



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection –Title 5 Permitting

# BRP WP 58a Approval of a Nitrogen Loading Aggregation Plan Instructions and Supporting Materials

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## Introduction

DEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the DEP Web site at [mass.gov/dep](http://mass.gov/dep) in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

*Instructions & Support Materials* files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

*Permit Applications* in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



# BRP WP 58a Approval of a Nitrogen Loading Aggregation Plan Permit Fact Sheet

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Note: When completing the Transmittal Form, write the "a" immediately after the space provided for the seven digit character code at the top of the Form.

## 1. What is the purpose of this approval?

This approval is necessary to ensure that the aggregation of nitrogen loading for on-site subsurface sewage disposal system(s) is performed in an environmentally acceptable manner and in accordance with the provisions of Title 5 of the Environmental Code, 310 CMR 15.000.

You must obtain approval from DEP for the following plans:

- Community plans to aggregate for nitrogen loading over a region wide area, such as Zone IIs or Interim Wellhead Protection Areas (310 CMR 15.216(1)) or in environmentally sensitive areas such as systems serving new residential construction where the use of both on-site wastewater disposal systems and drinking water supply wells are proposed, i.e., private well areas.
- Facility plans to aggregate nitrogen loading for a facility, where the facility land and credit land are proposed to be used for nitrogen aggregation (310 CMR 15.216(2)). Facility plans may apply to Zone IIs, Interim Wellhead Protection Areas or areas of new residential construction where the use of both on-site wastewater disposal systems and drinking water supply wells are proposed, i.e., private well areas.

## 2. Who must apply?

Any individual, business, organization or municipality proposing to implement a nitrogen aggregation plan for either a community or any part thereof or a specific facility is required to obtain DEP approval in accordance with 310 CMR 15.216.

If this category does not apply to you, please be advised this is not the only permit category for Title 5 on-site sewage disposal systems or related plans. Please consult the Timely Action Schedule and Fee Provisions, 310 CMR 4.00 and Title 5 of the Environmental Code, 310 CMR 15.000, to determine whether another category may apply to you. Note: Any and all land identified as "restricted" or "credit land" for the purposes of one application for aggregate nitrogen loading cannot be used for another application pursuant to 310 CMR 15.216.

Note: DEP anticipates the preparation of either a Community Plan or a Facility Plan proposing to aggregate for nitrogen loading may require both technical (including hydrogeologic) and legal expertise.

## 3. What other requirements should be considered when applying?

- Plans proposing nitrogen aggregation require prior written approval by the local approving authority (310 CMR 15.216).
- Plans proposing nitrogen restrictions on facility and credit land(s) require prior written approval by the property owner(s) (310 CMR 15.216(2)).

Note: These additional requirements are intended to serve as a guide to the applicant. They do not necessarily include all additional requirements.

## 4. What is the application fee?

BRP WP 58a Nitrogen Aggregation Loading Plan

\$1,580



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## 5. What is the Primary Permit Location? What is the Reserve Copy Location?

Primary Permit Location:

Department of Environmental Protection (2 copies)

\_\_\_\_\_ \* Regional Office

Title 5 Permitting Program

\*See "DEP Addresses and Phone Numbers" page included in this package.

There are no Reserve Copy Locations for these permits.

## 6. What are the timelines?

	AC	T1	T2*
BRP WP 58a	30	60	60

\*(A second technical review will only be conducted if necessary).

If DEP does not respond to the applicant by the end of the technical review period, the application shall be deemed approved. However, no action in violation of Title 5, 310 CMR 15.000 is permitted.

There is no public comment review period for these permits.

## 7. What is the annual compliance fee?

There is no annual compliance fee.

## 8. How long is the approval in effect?

This approval remains valid until DEP revokes or modifies the approval. In the case of a Community Plan, the approval is in effect until there is a local land use regulation change or other action that would impact the DEP approved nitrogen loading plan.

## 9. How can I avoid the most common mistakes made in applying for this approval?

- a. Review application for completeness to be sure all questions are answered correctly.
- b. Refer to the Department's, "Guidelines For Title 5 Aggregation of Flows and Nitrogen Loading (310 CMR 15.216)" for further guidance.
- c. For a Community Plan, attach the following:
  - completed application with supporting materials;
  - a map for the area covered by the plan;
  - buildout analysis under current zoning for the area covered by the plan;
  - 440 gpd per acre equivalency calculations;
  - in the case of a Zone II, results of the DEP Nitrogen Loading Computer Model;
  - approval from the local approving authority;
  - comments from the Planning Board, if any;
  - a nitrogen loading management plan.
- d. For a Facility Plan, attach the following:
  - completed application with supporting materials;
  - approval from the local approving authority;
  - locus and site maps with relevant features;
  - a narrative description of the proposal and presenting facts;
  - 440 gpd per acre equivalency calculations;
  - copies of current deeds for the facility and credit land(s);



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- copies of all unexecuted nitrogen deed restrictions on facility and credit land(s);

For facilities with design flow of 2000 gpd or greater, if either the local approving authority or DEP requires a site-specific mass balance analysis, applicants must also attach:

- a hydrogeologic assessment;
  - site-specific mass balance analysis;
  - a groundwater monitoring plan;
  - results from the DEP Nitrogen Loading Model, if applicable;
  - Planning Board comments, if any.
- d. Submit fee and a copy of the DEP Transmittal Form to:  
Department of Environmental Protection  
P. O. Box 4062  
Boston, MA 02211.

### 10. What are the regulations that apply to this approval? Where can I get copies?

These regulations include, but are not limited to:

- a. Title 5 Regulations, 310 CMR 15.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

State Bookstore  
Room 116  
Boston, MA 02133  
617-727-2834

State Bookstore  
436 Dwight Street, Room 102  
Springfield, MA 01103  
413-784-1376

DEP Title 5 Regulations and permit application packages also may be obtained from DEP's web site at <http://mass.gov/dep>



# BRP WP 58a Approval of a Nitrogen Loading Aggregation Plan Application Completeness Checklist

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- The DEP Transmittal Form is completed. When completing the Transmittal Form, write the "a" immediately after the space provided for the seven digit character code at the top of the Form.
- A DEP application form for the permit category BRP WP 58a has been completed. The following information has been provided:
  - Completed application clearly indicating the name, address and telephone number of applicant/owner and the project consultant. All supportive materials must be attached.
  - Signed approval letter from the local approving authority.

For the BRP WP 58a, supportive materials include:

For a Community Plan:

- A suitably scaled map for the area covered by the plan;
- A buildout analysis under current zoning;
- 440 gpd per acre equivalency calculations;
- In the case of a Zone II, analysis from the DEP Nitrogen Loading Model;
- Comments from the Planning Board, if any;
- A nitrogen loading management plan.

For a Facility Plan:

- A locus map (USGS 1:25,000 topographic);
- A suitably scaled site map;
- A detail description for the facility aggregation proposal;
- 440 gpd per acre equivalency calculations;
- Copies of current deeds for the facility and credit land;
- Copies of unexecuted nitrogen deed restrictions on facility and credit land.

For facilities with design flow of 2000 gpd or greater when either the local approving authority or DEP requires a site-specific mass balance analysis, additionally:

- A hydrogeologic assessment;
- A site-specific mass balance analysis;
- A groundwater monitoring plan;
- Results from the DEP Nitrogen Loading Computer Model, if applicable;
- Planning Board comments, if any.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Title 5 Permitting

# BRP WP 58a Approval of a Nitrogen Loading Aggregation Plan Application Completeness Checklist

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To submit the application package:

- Checklist items have been completed.
- Send two (2) copies of the application, along with the original of the DEP Transmittal Form to:

Department of Environmental Protection  
Title 5 Permitting Program  
Regional Office \*  
\*See "DEP Addresses and Phone Numbers" page included in this package.

- Send fee of \$1,580 in the form of a check or money order made payable to Commonwealth of Massachusetts, along with a copy of the DEP Transmittal Form to:

Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

DEP Regulations may also be obtained from DEP's website at <http://www.mass.gov/dep>.



Massachusetts Department of Environmental Protection

# Addresses and Phone Numbers

DEP Boston  
 One Winter Street  
 Boston, MA 02108  
 Telephone: (617) 292-5500  
 Fax: (617) 556-1049  
 TDD: (617) 574-6868

William X. Wall Experiment Station  
 37 Shattuck Street  
 Lawrence, MA 01843  
 Fax: (978) 688-0352  
*Division of Environmental Analysis*  
 Telephone: (978) 682-5237  
*Air Quality Surveillance*  
 Telephone: (978) 975-1138

Office of Watershed  
 Management  
 627 Main Street  
 Worcester, MA 01608  
 Telephone: (508) 792-7470  
 Fax: (508) 839-3469

DEP Western Region  
 436 Dwight Street  
 Suite 402  
 Springfield, MA 01103  
 Phone: (413) 784-1100  
 Fax: (413) 784-1149



Adams	Colrain	Hampden	Monroe	Pittsfield	Tyringham
Agawam	Conway	Hancock	Montague	Plainfield	Wales
Alford	Cummington	Hatfield	Monterey	Richmond	Ware
Amherst	Dalton	Hawley	Montgomery	Rowe	Warwick
Ashfield	Deerfield	Heath	Monson	Russell	Washington
Becket	Easthampton	Hinsdale	Mount Washington	Sandisfield	Wendell
Belchertown	East Longmeadow	Holland	New Ashford	Savoy	Westfield
Bernardston	Egremont	Holyoke	New Marlborough	Sheffield	Westhampton
Blandford	Erving	Huntington	New Salem	Shelburne	West Springfield
Brimfield	Florida	Lanesborough	North Adams	Shutesbury	West Stockbridge
Buckland	Gill	Lee	Northampton	Southampton	Whately
Charlemont	Goshen	Lenox	Northfield	South Hadley	Wilbraham
Cheshire	Granby	Leverett	Orange	Southwick	Williamsburg
Chester	Granville	Leyden	Otis	Springfield	Williamstown
Chesterfield	Great Barrington	Longmeadow	Palmer	Stockbridge	Windsor
Chicopee	Greenfield	Ludlow	Pelham	Sunderland	Worthington
Clarksburg	Hadley	Middlefield	Peru	Tolland	

DEP Central Region  
 627 Main Street  
 Worcester, MA 01608  
 Phone: (508) 792-7650  
 Fax: (508) 792-7621  
 TDD: (508) 767-2788



Acton	Charlton	Hopkinton	Millbury	Rutland	Uxbridge
Ashburnham	Clinton	Hubbardston	Millville	Shirley	Warren
Ashby	Douglas	Hudson	New Braintree	Shrewsbury	Webster
Athol	Dudley	Holliston	Northborough	Northborough	Westborough
Auburn	Dunstable	Lancaster	Northbridge	Southbridge	West Boylston
Ayer	East Brookfield	Leicester	North Brookfield	Spencer	West Brookfield
Barre	Fitchburg	Leominster	Oakham	Sterling	Westford
Bellingham	Gardner	Littleton	Oxford	Stow	Westminster
Berlin	Grafton	Lunenburg	Paxton	Sturbridge	Winchendon
Blackstone	Groton	Marlborough	Pepperell	Sutton	Worcester
Bolton	Harvard	Maynard	Petersham	Templeton	
Boxborough	Hardwick	Medway	Phillipston	Townsend	
Boylston	Holden	Mendon	Princeton	Tyngsborough	
Brookfield	Hopedale	Milford	Royalston	Upton	

DEP Southeast Region  
 20 Riverside Drive  
 Lakeville, MA 02347  
 Phone: (508) 946-2700  
 Fax: (508) 947-6557  
 TDD: (508) 946-2795



Abington	Dartmouth	Freetown	Mattapoisett	Provincetown	Tisbury
Acushnet	Dennis	Gay Head	Middleborough	Raynham	Truro
Attleboro	Dighton	Gosnold	Nantucket	Rehoboth	Wareham
Avon	Duxbury	Halifax	New Bedford	Rochester	Wellfleet
Barnstable	Eastham	Hanover	North Attleborough	Rockland	West Bridgewater
Berkley	East Bridgewater	Hanson	Norton	Sandwich	Westport
Bourne	Easton	Harwich	Norwell	Scituate	West Tisbury
Brewster	Edgartown	Kingston	Oak Bluffs	Seekonk	Whitman
Bridgewater	Fairhaven	Lakeville	Orleans	Sharon	Wrentham
Brockton	Fall River	Mansfield	Pembroke	Somerset	Yarmouth
Carver	Falmouth	Marion	Plainville	Stoughton	
Chatham	Foxborough	Marshfield	Plymouth	Swansea	
Chilmark	Franklin	Mashpee	Plympton	Taunton	

DEP Northeast Region  
 One Winter Street  
 Boston, MA 02108  
 Telephone: (617) 654-6500  
 Fax: (617) 556-1049  
 TDD: (617) 574-6868



Amesbury	Chelmsford	Hingham	Merrimac	Quincy	Wakefield
Andover	Chelsea	Holbrook	Methuen	Randolph	Walpole
Arlington	Cohasset	Hull	Middleton	Reading	Waltham
Ashland	Concord	Ipswich	Millis	Revere	Watertown
Bedford	Danvers	Lawrence	Milton	Rockport	Wayland
Belmont	Dedham	Lexington	Nahant	Rowley	Wellesley
Beverly	Dover	Lincoln	Natick	Salem	Wenham
Billerica	Dracut	Lowell	Needham	Salisbury	West Newbury
Boston	Essex	Lynn	Newbury	Saugus	Weston
Boxford	Everett	Lynnfield	Newburyport	Sherborn	Westwood
Braintree	Framingham	Malden	Newton	Somerville	Weymouth
Brookline	Georgetown	Manchester-By-The-Sea	Norfolk	Stoneham	Wilmington
Burlington	Gloucester	Marblehead	North Andover	Sudbury	Winchester
Cambridge	Groveland	Medford	North Reading	Swampscott	Winthrop
Canton	Hamilton	Medford	Norwood	Tewksbury	Woburn
Carlisle	Haverhill	Melrose	Peabody	Topshfield	



Transmittal Number \_\_\_\_\_

# BRP WP 58a

## Approval of a Nitrogen Aggregation Loading Plan

Facility ID (if known) \_\_\_\_\_

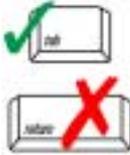
**Please read the Instructions and Supporting Materials before filling out this form.**

Note: Any and all areas identified as “restricted” or “credit land” for the purposes of one application for aggregate nitrogen loading cannot be used for another application pursuant to 310 CMR 15.216.

DEP anticipates that preparation of nitrogen loading plans may require both technical (including hydrogeologic) and legal expertise.

### A. General Information

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Doing Business as (dba)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone

2. Facility Address / Location (if different from Applicant):

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

3. Contact Person (if different from Applicant):

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Consultant Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone

4. Does this project require a filing under 310 CMR 11.00, The Massachusetts Environmental Policy Act?

Yes

No

If yes, has a filing been made?  Yes  No

\_\_\_\_\_  
If yes, EOE File #

5. The approval letter issued by the local approving authority having jurisdiction over the aggregate nitrogen loading plan must accompany this application.

Is the approval letter attached?

Yes

No



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## Approval of a Nitrogen Aggregation Loading Plan

### A. General Information (cont.)

6. A nitrogen aggregation application is either for a region-wide Community Plan, or for a site-specific Facility Plan. This application is for:

- Community Plan (respond to Items 7 through 12)
- Facility Plan (respond to Items 13 through 26)

For a Community Plan:

7. The Community Plan may be for either a Nitrogen Sensitive Area or for a new residential construction where the use of both on-site systems and on-site-drinking water supply wells are proposed (private well areas). This application is for:

- A Zone II
- An Interim Wellhead Protection Area
- Private well area for new residential construction

8. A map for the area covered by the plan is required. Is the map attached?

- Yes     No

9. A buildout analysis under current zoning for the area of the community subject to the plan is required. Is the buildout analysis enclosed?

- Yes     No

10. The nitrogen loading limitation of 440 gpd per acre equivalency demonstration is required. Are the calculations enclosed?

- Yes     No

11. If the Community Plan is for a Zone II, the DEP Nitrogen Loading Computer Model analysis is required.

Is the Zone II analysis enclosed?             Yes             No

Are Planning Board comments attached?     Yes             No

12. A nitrogen loading management plan including land use regulations (e.g., zoning or health regulations) is required. Is the management plan enclosed?

- Yes     No

For a Facility Plan:

13. The Facility Plan may be for a site in either a Nitrogen Sensitive Area or for a new residential construction where the use of both on-site systems and on-site drinking water supply wells are proposed (private well areas). The facility is sited in:

- A Zone II
- An Interim Wellhead Protection Area
- Private well area for new residential construction



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## Approval of a Nitrogen Aggregation Loading Plan

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### A. General Information (cont.)

14. The legal entity which owns or will own this facility is:

- |   |   |
|---|---|
| <input type="checkbox"/> Individual             | <input type="checkbox"/> Federal        |
| <input type="checkbox"/> Municipality           | <input type="checkbox"/> State / County |
| <input type="checkbox"/> Private Partnership    | <input type="checkbox"/> Corporation    |
| <input type="checkbox"/> Other (specify): _____ |   |

15. Owner names and addresses of land subject to the proposed facility plan:

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16. A locus map (USGS topographic at 1:25,000) with all relevant locations (e.g. the proposed facility, credit land, water supplies and nitrogen sensitive areas) is required.

Is the locus map attached?  Yes  No

17. A site map, at a suitable scale, with all relevant topographic features (e.g. the proposed facility with discharge, area of impact, credit land, bedrock, test pits, sensitive receptors within one half mile, etc.) is required.

Is the site map attached?  Yes  No

18. The detailed description of the proposed facility including the credit land, site characteristics, the proposed subsurface disposal system, the nitrogen sensitive area, sensitive receptors within one half mile, etc., is required.

Is the narrative description enclosed?  Yes  No

19. The nitrogen loading limitation of 440 gpd per acre equivalency is required. Are the 440 gpd per acre equivalency calculations enclosed?

Yes  No

20. Are copies of the current deeds (and plans cited) for the facility and credit land enclosed?

Yes  No

21. Are copies of the unexecuted nitrogen loading restrictions on facility and credit land enclosed?

Yes  No



Transmittal Number

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## Approval of a Nitrogen Aggregation Loading Plan

Facility ID (if known)

### A. General Information (cont.)

For facilities with sewage design flow of 2000 gpd or greater and, when the local approving authority or DEP requires a site-specific mass balance analysis, the following documents are required. Are they attached?

- 22. A hydrogeologic assessment  Yes  No
- 23. A site-specific mass balance analysis  Yes  No
- 24. A groundwater monitoring plan  Yes  No
- 25. Zone II nitrogen modeling, if applicable  Yes  No
- 26. Planning Board comments, if any  Yes  No

### B. Certification

"I certify under penalty of law that this document and all attachments, to the best of my knowledge and belief, are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Applicant's signature

Print Name

Name of Preparer

Date